REMARKS

The objection to the punctuation in claim 40 is not under any statutory requirement and, therefore, the change in punctuation made above cannot invoke any Festo-like decision, moreover because it is non-narrowing.

The objection to priority is also attended to above without reference to the attached three pages of the Transmittal of July 18, 2003.

Two characterizing features are added to the claimed invention. The first feature is that the optical element of the invention functions without any electrical driving device and the second feature is that the individual cell of the optical element has a fixed specific optical property determined by a material or a physical structure. The optical element of the invention comprises three-dimensional cells as shown in Fig. 6. To these cells, a specific optical property is respectively recorded. For example, to the cell shown in Fig. 6, a specific amplitude property A(x,y) and a specific phase property $\theta(x,y)$ are recorded so that when incident light is provided to the cell, emission light is obtained by changing an amplitude and a phase of the incident light in accordance with these recorded properties A(x,y) and $\theta(x,y)$.

In the originally filed text, you can find at lines 9 and 10 of page 27 the sentence "an amplitude A(x,y) and a phase $\theta(x,y)$ is recorded for a three-dimensional cell C(x,y) shown in Fig. 6". The term "recorded" means that these optical properties (amplitude and phase) are fixed to the cell. In the specification, there are disclosed several concrete methods with respect to how the optical properties are recorded to the cell. For example, by changing the content of a color agent for each cell, the transmittance of the cell can be fixed at a desired value so that a specific amplitude is recorded (see lines 6-10 of page 28). By changing the surface roughness of the reflecting surface of the cell, the reflectivity of the cell can be fixed

at a desired value so that a specific amplitude is recorded (see lines 2-5 of page 29). By adapting a physical concave/convex structure to the cell, a specific amplitude can be recorded (see lines 21-24 of page 29) and also a specific phase can be recorded (see lines 8-10 of page 31). By constructing the cell made of various materials, a specific phase can be recorded (see lines 11-13 of page 30).

These examples show that a specific optical property, which is fixed to the cell, is determined by a material or physical structure of the cell. After you have recorded a specific optical property to the cell by determining a material or a physical structure of the cell, the recorded property is potentially fixed to the cell and you do not need any electrical driving device to exhibit the recorded property. Therefore, we believe that the two characterized features which are added to the original claims are supported in the original text and drawings of the present application.

Then, the rejection of the claims under 35 USC 102 for anticipation by the cited Amako, et al. patent is also traversed. Amako, et al. disclose an optical device having a set of a plurality of three-dimensional cells which show a specific optical property. However, Amako's device is an LCD and a cell of the device can show any optical property by an electrical operation. In other words, Amako's device definitely needs an electrical driving device for a specific optical property to be controlled by the driving device; whereas, in the present invention, a specific optical property is recorded or fixed to the respective cells by choosing a particular material or a physical structure of the cell.

As a matter of fact, the fundamental concept of the present invention is totally different from that of the Amako concept. Though Amako's invention provides an active device in which a displayed image on a screen can be electrically controlled, the present invention provides a passive optical element in which a particular image is recorded or fixed on a screen. Therefore the present invention is not obvious from Amako, et al. either.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,

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